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9 Attorneys for Defendants A.G. Spanos  
Construction, Inc.; A.G. Spanos  
Development, Inc.; A.G. Spanos  
10 Land Company, Inc.; A.G. Spanos  
Management, Inc.  
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12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 National Fair Housing Alliance, Inc., et al.,	)	CASE NO. C07-03255-SBA
	)	
15 Plaintiffs,	)	NOTICE OF MOTION AND MOTION
	)	OF DEFENDANTS A.G. SPANOS
16 vs.	)	CONSTRUCTION, INC., A.G. SPANOS
	)	DEVELOPMENT, INC., A.G. SPANOS
17 A.G. Spanos Construction, Inc., et al.	)	LAND COMPANY, INC., AND A.G.
	)	SPANOS MANAGEMENT, INC. FOR
18 Defendants.	)	MORE DEFINITE STATEMENT
	)	

19 [Fed. R. Civ. P. 12(e)]

20 Hearing Date: October 2, 2007

21 Time: 1:00 p.m.

22 Dept.: Courtroom 3

23 Complaint Filed: June 20, 2007

24 **TO PLAINTIFFS AND THEIR ATTORNEY OF RECORD:**

25 **PLEASE TAKE NOTICE** that on October 2, 2007, at 1:00 p.m., or as soon thereafter  
26 as this matter may be heard, in Courtroom 3 of the above-entitled court, located at 1301 Clay  
27 Street, 3<sup>rd</sup> Floor, Oakland, California, Defendants A.G. Spanos Construction, Inc., A.G.  
Spanos Development, Inc., A.G. Spanos Land Company, Inc., and A.G. Spanos Management,  
28 Inc. ("Defendants") will and hereby do move this court, pursuant to Rule 12(e) of the Federal

1 Rules of Civil Procedure, for an order requiring Plaintiffs National Fair Housing Alliance,  
2 Inc., Fair Housing of Marin, Inc., Fair Housing Napa Valley, Inc., Metro Fair Housing  
3 Services, Inc., Fair Housing Continuum, Inc. ("Plaintiffs") to amend their complaint to clarify  
4 the "vague" and "ambiguous" allegations contained therein.

5 The basis of this Motion, as set forth more fully in the accompanying Memorandum of  
6 Points and Authorities, is that:

- 7 I. THE COMPLAINT'S ALLEGATIONS ARE "VAGUE AND AMBIGUOUS"  
8 REGARDING PLAINTIFFS' STANDING TO SUE UNDER THE ADA  
9 BECAUSE PLAINTIFFS DO NOT CLAIM TO BE MEMBERS OF A  
10 PROTECTED CLASS UNDER THE ADA, NOR DO THEY PURPORT TO  
11 SUE ON BEHALF OF ANY MEMBER OF A PROTECTED CLASS UNDER  
12 THE ADA;
- 13 II. THE ALLEGATIONS OF PLAINTIFFS' COMPLAINT ARE "VAGUE AND  
14 AMBIGUOUS" REGARDING PLAINTIFFS' STANDING TO SUE UNDER  
15 THE ADA BECAUSE PLAINTIFFS DO NOT ALLEGE FACTS  
16 SUFFICIENT TO ESTABLISH THE "IRREDUCIBLE CONSTITUTIONAL  
17 MINIMUM" FOR STANDING UNDER ARTICLE III OF THE U.S.  
18 CONSTITUTION;
- 19 III. THE COMPLAINT'S ALLEGATIONS ARE "VAGUE AND AMBIGUOUS"  
20 REGARDING PLAINTIFFS' STANDING TO SUE UNDER THE FHAA  
21 BECAUSE PLAINTIFFS DO NOT CLAIM TO BE MEMBERS OF A  
22 PROTECTED CLASS UNDER THE FHAA, NOR DO THEY PURPORT TO  
23 SUE ON BEHALF OF ANY MEMBER OF A PROTECTED CLASS UNDER  
24 THE FHAA; and
- 25 IV. THE ALLEGATIONS OF PLAINTIFFS' COMPLAINT ARE "VAGUE AND  
26 AMBIGUOUS" REGARDING PLAINTIFFS' STANDING TO SUE UNDER  
27 THE FHAA BECAUSE PLAINTIFFS DO NOT ALLEGE FACTS  
28 SUFFICIENT TO ESTABLISH THE "IRREDUCIBLE CONSTITUTIONAL

1 MINIMUM" FOR STANDING UNDER ARTICLE III OF THE U.S.  
2 CONSTITUTION.

3 This Motion will be based upon this Notice of Motion and Motion, the Memorandum of  
4 Points and Authorities in support of this Motion, the Request for Judicial Notice in support of  
5 this Motion, and the pleadings, orders, records and documents on file in this case, as well as  
6 such oral and documentary evidence as may be properly presented at the time of the hearing on  
7 this Motion.

8 Opposition, if any, to the granting of the motion must be served and filed not less than  
9 twenty-one (21) days before the hearing date. If the party against whom the motion is directed  
10 does not oppose the motion, that party must file with the Court a Statement of Nonopposition  
11 within the time for filing and serving any opposition. *See* Local Rule 7-3(a) and 7-3(b).

12 Dated: August 15, 2007

FREEMAN, D'AIUTO, PIERCE, GUREV,  
KEELING & WOLF

13  
14 By 

LEE ROY PIERCE, JR.

15 Attorneys for Defendants A.G. Spanos  
16 Construction, Inc.; A.G. Spanos Development,  
17 Inc.; A.G. Spanos Land Company, Inc.; A.G.  
Spanos Management, Inc.